

### REMARKS

A Final Office Action was mailed on March 28, 2005, a Notice of Appeal was timely filed on July 28, 2005, and now a Request for Continued Examination is presented.

Claims 1-18 are pending. By the foregoing, claims 2, 6, 9, 11, 14-18 are cancelled, claims 1, 5, 10 are amended and new claims 19, 20, 21 are presented. No new matter is added. Support thereof may be found at page 6, line 26 – page 7, line 6, page 7, line 25 to page 8, line 1; page 11, line 11 to page 12, line 26 and Figs. 6-8, as an example, but may also be found elsewhere.

#### Rejections under 35 U.S.C. §102

Claims 1-4 and 10-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,477,143 to Ginossar (Ginossar). Claims 5-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,548,533 to Goa et al. (Goa).

The claimed invention is a communication apparatus (claims 1, 3, 4, and 19), a mobile communication system (claims 5, 7, 8, and 20), a client/server system (claims 10, 12, 13, and 21). Pertinent to each claimed invention

As now claimed in claims 1, 5, 10, a congestion monitoring means uses at least one of a processor occupancy rate and a response time with respect to a received signal as an index at a time of setting said congestion level while a traffic measuring means measures the number of signals received from the stations as a traffic intensity. The regulation control means by claims 1, 5, 10 (as now claimed) performs traffic regulation control when a comparison result shows that said traffic intensity is equal to or greater than said traffic regulation start traffic intensity, and performing regulation control on a maintenance and operation process when said traffic intensity is smaller than said traffic-regulation start traffic intensity; wherein said regulation control means sends an alarm to a maintenance terminal to stop the maintenance and operation process, when the traffic regulation control is performed.

The regulation control means by claims 19, 20, 21 includes a regulation pattern selection table which is comprised of a plurality of patterns P1 to Pn set every cycle C1 to Cn of the processor and a order-of-regulation-targets table which is comprised of patterns P1 to Pn with identification number of the stations set in each pattern. If the cycle number of the processor is  $Ca(1 \leq a \leq n)$  while the traffic regulation control is performed, the regulation control means reads the pattern Pa of the same number as the cycle Ca of the processor from the regulation pattern selection table and selects the top N stations in the selected pattern by using the order-of-regulation-targets table, when the number of stations to be regulated is identified "N".

Neither Ginossar or Goa, alone or in any combination with any cited reference, teach, disclose, or suggest the claimed invention.

Ginossar teaches that the maximum segment size is determined as a function of the congestion severity level for each network route, it is appreciated that normally as the congestion severity level increases, the maximum segment size decreases (col. 15, lines 64 to col. 16, lines 1-14).

In contrast, according to claim 1, the traffic regulation control is performed when a comparison result shows that said traffic intensity is equal to or greater than said traffic-regulation start traffic intensity, and the regulation control on a maintenance and operation process is performed when said traffic intensity is smaller than said traffic-regulation start traffic intensity.

Despite the Examiner's assertion that Ginossar teaches not the feature of "performing traffic regulation control when a comparison result shows that said traffic intensity is equal to or greater than said traffic-regulation start traffic intensity, and performing regulation control on a maintenance and operation process when said traffic intensity is smaller than said traffic-regulation start intensity," Applicant respectfully suggests Ginossar fails to teach the feature of the regulation control means for the reasons given above. Consequently, the present invention is clearly distinguishable over Ginossar.

Accordingly, the Examiner is respectfully requested to withdraw the rejections for the reasons given.

All dependent claims are allowable for at least substantially the same reasons as the independent claim from which they depend. Thus, Applicant believes that the application is now in condition for allowance of all claims and earnestly solicits the same.

However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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